

2001 DRAFTING REQUEST**Senate Amendment (SA-SB55)**

Received: 06/06/2001

Received By: rkite

Wanted: As time permits

Identical to LRB:

For: Legislative Fiscal Bureau

By/Representing: Hotynski

This file may be shown to any legislator: NO

Drafter: rkite

May Contact:

Addl. Drafters:

Subject: Nat. Res. - LWSR stewardship

Extra Copies:

Submit via email: NO

Requester's email:

Pre Topic:

LFB:.....Hotynski -

Topic:

Stewardship funding for conservation easements along the Plover River

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/2	rkite 06/08/2001	gilfokm 06/08/2001	pgreensl 06/08/2001	_____ _____	lrb_docadmin 06/09/2001		

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FE Sent For:

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06/07/2001 12:25:44 PM

Page 1

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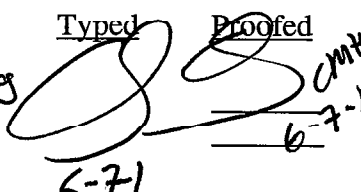
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NATURAL RESOURCES – DEPARTMENTWIDE

Stewardship – Plover River

Motion:

Move to require DNR to provide \$135,000 from the Warren Knowles-Gaylord Nelson Stewardship 2000 to acquire conservation easements along the Plover River in Marathon and Portage Counties.

Note:

Under current law, \$46 million in general obligation bonding authority is available annually under the Warren Knowles-Gaylord Nelson Stewardship 2000 program. Under the stewardship biennial spending plan approved by the Natural Resources Board, \$7.25 million of the \$34.5 million for general land acquisition would be earmarked for grants to non-profit conservation organizations, leaving \$19 million available for DNR land acquisition (after \$8.3 million is set aside to account for the \$25 million Great Addition purchase in 1999). Of the \$11.5 million available for property development and local assistance, \$4.5 million would be allocated for property development, and \$7 million for local assistance grants.

In statute, priorities for land acquisition under Stewardship 2000 are: (a) acquisition of land that preserves or enhances the state's water resources, including land in and for the Lower Wisconsin State Riverway and land abutting wild rivers, wild lakes and land along the shores of the Great Lakes; (b) acquisition of land for the stream bank protection program; (c) acquisition of land for habitat areas and fisheries; (d) acquisition of land for natural areas; and (e) acquisition of land in the middle Kettle Moraine.

MO#		
Burke	<input checked="" type="checkbox"/>	N
Decker	<input checked="" type="checkbox"/>	N
Moore	<input checked="" type="checkbox"/>	N
Shibilski	<input checked="" type="checkbox"/>	N
Plache	<input checked="" type="checkbox"/>	N
Wirch	<input checked="" type="checkbox"/>	N
Darling	<input checked="" type="checkbox"/>	N
Welch	<input checked="" type="checkbox"/>	N
Gard	<input checked="" type="checkbox"/>	N
Kaufert	<input checked="" type="checkbox"/>	N
Albers	<input checked="" type="checkbox"/>	N
Duff	<input checked="" type="checkbox"/>	N
Ward	<input checked="" type="checkbox"/>	N
Huebsch	<input checked="" type="checkbox"/>	N
Huber	<input checked="" type="checkbox"/>	N
Coggs	<input checked="" type="checkbox"/>	N



300m
State of Wisconsin
2001 - 2002 LEGISLATURE

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RNK.....
king

D-Note

LFB:.....Hotynski – Stewardship funding for conservation easements along the Plover River

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 2001 SENATE BILL 55 AND 2001 ASSEMBLY BILL 144

1 At the locations indicated, amend the bill as follows:

2 ✓ 1. Page 615, line 20: after that line insert:

3 "SECTION 1039m. 23.197 (6m) of the statutes is created to read:

under this subsection

4 23.197 (6m) PLOVER RIVER; CONSERVATION EASEMENTS. From the appropriation
5 under s. 20.866 (2) (ta), the department shall provide \$135,000 to acquire
6 conservation easements along the Plover River in Marathon County and Portage
7 County. For the purposes of s. 23.0917, moneys provided from the appropriation
8 under s. 20.866 (2) (ta) shall be treated as moneys obligated under the subprogram
9 for property development and local assistance."

10 (END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

b0643/1dn
LRB 10/16/10
RNK.....
img

It is possible that a Wisconsin court would find that this amendment is a "private or local law" which, under art. IV, sec. 18^v of the Wisconsin Constitution, must be enacted as single-subject legislation. If so, this amendment cannot validly be enacted as part of the budget bill, which clearly encompasses more than one subject. Under *Milwaukee Brewers Baseball Club v. Wisconsin Dept. of Health and Social Services*, 130 Wis. 2d 79, 115 (1986), "a legislative provision which is specific to any person, place or thing is a private or local law within the meaning of art. 4, sec. 18, unless: 1) the general subject matter of the provision relates to a state responsibility of statewide dimension; and 2) its enactment will have direct and immediate effect on a specific statewide concern or interest^o". As it is difficult to predict the potential for and outcome of any court action on this amendment, the committee may wish to consider introducing this proposal as a separate bill^o.

Robin N. Kite
Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.state.wi.us

Conservation easements^{ts} for which

Also, under s. 23.0917(3)(a)^v, DNR may obligate only moneys under the land acquisition subprogram to acquire land for the purposes specified in s. 23.09(2)(d) and grants^{ts} for these purposes. This draft assumes that the amounts^{ts} provided under this draft are being acquired for one of the purposes specified in s. 23.09(2)(d)^v.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0643/1dn
RNK:kmg:rs

June 7, 2001

It is possible that a Wisconsin court would find that this amendment is a "private or local law" which, under art. IV, sec. 18, of the Wisconsin Constitution, must be enacted as single-subject legislation. If so, this amendment cannot validly be enacted as part of the budget bill, which clearly encompasses more than one subject. Under *Milwaukee Brewers Baseball Club v. Wisconsin Dept. of Health and Social Services*, 130 Wis. 2d 79, 115 (1986), "a legislative provision which is specific to any person, place or thing is a private or local law within the meaning of art. 4, sec. 18, unless: 1) the general subject matter of the provision relates to a state responsibility of statewide dimension; and 2) its enactment will have direct and immediate effect on a specific statewide concern or interest." As it is difficult to predict the potential for and outcome of any court action on this amendment, the committee may wish to consider introducing this proposal as a separate bill.

Also, under s. 23.0917 (3) (a), DNR may obligate moneys under the land acquisition subprogram only to acquire land for the purposes specified in s. 23.09 (2) (d) and grants for these purposes. This draft assumes that the conservation easements for which amounts are provided under this draft are being acquired for one of the purposes specified in s. 23.09 (2) (d).

Robin N. Kite
Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.state.wi.us

Per Rebecca -

Redraft

money should come from 23.0917 (3) or (4) or
both



soon
State of Wisconsin
2001 - 2002 LEGISLATURE

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LRBb0643/E
RNK:kmg:rs

LFB:.....Hotynski – Stewardship funding for conservation easements along
the Plover River

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

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6 conservation easements along the Plover River in Marathon County and Portage
7 County. For the purposes of s. 23.0917, moneys provided under this subsection from
8 the appropriation under s. 20.866 (2) (ta) shall be treated as moneys obligated under
9 *either or both of the* ~~the subprogram for property development and local assistance~~”.

10

(END)

under s. 23.0917(3) and (4)

Per Daryl Heng - 6-9-01

Money should come only from
land acquisition



Don
State of Wisconsin
2001 - 2002 LEGISLATURE

13
LRBb0643/8

RNK:kmj:pg
kmj & cjs

LFB:.....Hotynski – Stewardship funding for conservation easements along
the Plover River

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

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8 the appropriation under s. 20.866 (2) (ta) shall be treated as moneys obligated under
9 ~~either or both of the subprograms under s. 23.0917 (2) and (4).~~

10

(END)

for land acquisition

TO 2001 SENATE BILL 55 AND 2001 ASSEMBLY BILL 144

- At the locations indicated, amend the bill as follows:
1. Page 615, line 20: after that line insert:
- “SECTION 1039m.** 23.197 (6m) of the statutes is created to read:
- 23.197 (6m) PLOVER RIVER; CONSERVATION EASEMENTS. From the appropriation under s. 20.866 (2) (ta), the department shall provide \$135,000 to acquire conservation easements along the Plover River in Marathon County and Portage County. For the purposes of s. 23.0917, moneys provided under this subsection from the appropriation under s. 20.866 (2) (ta) shall be treated as moneys obligated under the subprogram for land acquisition.”.